



W.P. No.30602 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P. No.30602 of 2025

and

W.M.P. Nos.34294, 34296 and 38519 of 2025

1.Thamizhazhagan,
S/o.Ramanujam, Anantharayar Street,
Chidambaram, Cuddalore District.

2.T.Vimala
W/o.Thamizhazhagan, Anantharayar Street,
Chidambaram, Cuddalore District.

Petitioner(s)

Vs

1.The Registrar of Co-operative Societies,
NV Natrajan Malligai, Periyar EVR High Road,
Poonamallee High Road, Kilpauk, Chennai-10.

2.The General Manager,
Tamilnadu Housing Co-operative Housing
Federal, No.48, Ritherdon Road, Vepery,
Chennai-07.

3.The Secretary,
Subramaniapuram,
Co-operative Housing Building Society,
No.20 P.P.S.Complex, Mel Sanathi,
Chidambaram-608 001, Cuddalore District.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus calling for the records of the
impugned auction notice vide proceedings in



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Na.Ka.En.00166/2024-25/Tho.AA.Section dated 30.7.2024 issued by the 2nd respondent and quash the same and direct the 3rd respondent to return all the original Mortgaged documents of petitioner's patta land in Survey No.61/3, 624, situated at Vakur Village, Cuddalore District and the House documents in Survey No.266/1, situated at Ward -2, Chidambaram Town, Cuddalore District filed before the 3rd respondent.

For Petitioner(s) : Mr.Raghul Kousik

For Respondent(s) : Mr.E.P.Senniyangiri
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For R2 : Ms.S.Riffath Sulthana
for S.Kanmani Annamalai

For R3 : Mr.S.Balamurugan

ORDER

The petitioners challenged the order of the 2nd respondent dated 30.07.2024 wherein the 3rd respondent had informed that certain amounts are due to the 2nd respondent Federation and the documents pertaining to the members of the 3rd respondent Society will be returned only after the 2nd respondent discharges its liability.

2. Heard Mr.M.Ragul Kousik, learned counsel for the petitioners, Mr.E.P.Senniyangiri, learned counsel appearing for the 1st respondent, Ms.S.Riffath Sulthana appearing for Ms.S.Kanmani Annamalai, learned counsel for the 2nd respondent and Mr.S.Balamurugan, learned counsel for the 3rd respondent.



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3. The admitted facts are the petitioners are the owners of the property situated in i) Survey Nos.61/3, 62/4, situated at Vakur Village, Cuddalore District ii) House property in Survey No.266/1, situated at Ward 2, Chidambaram Town, Cuddalore District. The petitioners had mortgaged the property in favour of the 3rd respondent as a security, for a loan of Rs.4,50,000/-. Initially the petitioners paid equitable monthly installments but thereafter defaulted. Hence, when the Government of Tamil Nadu came up with a proposal for one time settlement, the petitioners grabbed the opportunity. Despite the offer having been made for Rs.7,26,351.45/-, the petitioners did not pay the sum. Finally, on 21.12.2022, the petitioners/ mortgagors approached the 3rd respondent/ mortgagee and requested the 3rd respondent to waive the interest and receive the amount in full and final settlement. In consideration of the plea, the 3rd respondent called upon the petitioners to pay a sum of Rs.6,10,000/- in full quit. The petitioners also paid the sum. Despite the fact mortgage had been extinguished, the documents had not been returned and the encumbrance had not been removed. Hence, the petitioners approached the 3rd respondent to do the needful.

4. The 3rd respondent informed that the documents had been handed over to the 2nd respondent Federation and hence, it is not in a position to retrieve the said documents. The petitioners sent a notice on 15.07.2024 calling upon the respondents 2 and 3 to return the documents and to cancel the encumbrance as



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the entire amount due had been paid. The 2nd respondent issued a reply stating that the outstanding amount from the 3rd respondent is Rs.16,10,693.97/- and informed the petitioners that, once this amount is discharged, the documents will be returned. Aggrieved by the said communication, the petitioners have filed the present writ petition.

5. The relationship between the petitioners and the 3rd respondent is one of a mortgagor and a mortgagee. The mortgage gets extinguished on payment of the amounts due by the mortgagor. It is not in dispute that on 21.12.2022, whatever due that the petitioners had to pay the 3rd respondent had been paid and the mortgage had been discharged. There is no relationship between the petitioners and the 2nd respondent. It was the 3rd respondent, who had handed over the documents to the 2nd respondent, pursuant to the arrangement that had been entered into between them. To the said arrangement, the petitioners are not parties. It is the duty of the mortgagee to ensure that the documents given as security are returned and the encumbrances cancelled once the mortgage is discharged. Hence, the retention of the documents by the 3rd respondent cannot be countenanced. Taking note of these facts, by an order dated 08.12.2025, this Court had directed the 3rd respondent to procure the documents from the 2nd respondent and produce the same before this Court.



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6. Mr.E.P.Senniyangiri and Mr.S.Balamurugan have produced the documents. Mr.M.Ragul Kousik has received and acknowledged the same. By virtue of the payment of the mortgage amount, the mortgage having been discharged, there shall be a direction to the 3rd respondent to cancel the encumbrance registered over the mortgaged property within a period of three (3) weeks from today. The cost for registration shall be borne by the petitioners.

7. Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

17.12.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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Poonamallee High Road, Kilpauk, Chennai-10.

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V. LAKSHMINARAYANAN, J.

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